



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530-621-5390  
FAX 530-622-3645  
www.edcgov.us/bos

## Minutes

### Board of Supervisors

*John R. Knight, Chair, District I*  
*Ron Briggs, First Vice Chair, District IV*  
*Norma Santiago, Second Vice Chair, District V*  
*Ray Nutting, District II*  
*James R. Sweeney, District III*

*Suzanne Allen de Sanchez, Clerk of the Board of Supervisors*  
*Terri Daly, Chief Administrative Officer*    *Louis B. Green, County Counsel*

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Tuesday, February 28, 2012

8:00 AM

Board of Supervisors Meeting Room

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Amended on 3/5/12 to correct the action on Item 25.

#### **Vision Statement**

**"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."**

BOARD MEETING ROOM EQUIPPED WITH AN AUDIO INDUCTION LOOP ASSISTIVE LISTENING SYSTEM.

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Public Testimony will be received on each agenda item as it is called. Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to 3 minutes, and individuals speaking for a group are allocated 5 minutes. (Adopted 8/10/93) Except with the consent of the Board, individuals shall be allowed to speak to an item only once. Upon completion of public comment the matter shall be returned to the Board for deliberation. Members of the public shall not be entitled to participate in that deliberation, or be present at the podium during such deliberation, except at the invitation of the Board for a point of clarification or question by the Board. Matters not on the agenda may be addressed by the general public during the Open Forum. Public comments during Open Forum are limited to three minutes per person. The Board reserves the right to waive said rules by a majority vote.

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Materials related to an item on this Agenda submitted to the Board of Supervisors after distribution of the agenda packet are available for inspection during normal business hours in the public viewing packet located in the foyer of Building A, 330 Fair Lane, Placerville or in the Board Clerk's Office located at the same address. Such documents are also available on the Board of Supervisors' website at [www.edcgov.us](http://www.edcgov.us) subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. The Board Clerk cannot guarantee that any FAX, email, or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

The Board meets simultaneously as the Board of Supervisors and the Board of Directors of the Air Quality Management District, In-Home Supportive Services, Public Housing Authority, Redevelopment Agency and other Special Districts.

For Purposes of the Brown Act § 54954.2 (a), the numbered items on this Agenda give a brief description of each item of business to be transacted or discussed. Recommendations of the staff, as shown, do not prevent the Board from taking other action.

#### **8:00 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS**

**Present:** 5 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

#### **9:08 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS**

#### **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

**Pastor Lukas from the Calvary Chapel of the Foothills gave the Invocation.  
Supervisor Briggs led the Pledge of Allegiance.**

**ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR**

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 4 and 21 were pulled from the Consent Calendar and Item 23 was continued off calendar.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

**12-0003**

**PUBLIC COMMENT**

**PUBLIC COMMENT**

L. Brent-Bumb RE: The El Dorado County Chamber Business Showcase featuring "I Love Film Mixer" will be held on March 16, 2012.

D. Cummings RE: Geo-engineering

**12-0009**

**BUDGET UPDATE**

Mid Year Budget Update will be item 24 today.

**CONSENT CALENDAR**

1. **12-0002** Clerk of the Board of Supervisors recommending the Board approve the meeting minutes from the Regular Meeting of Tuesday, February 14, 2012.

**This matter was Approved on the consent calendar.**

2. **12-0273** Auditor-Controller recommending the Board authorize the Auditor-Controller to disburse excess proceeds from the sale of tax defaulted properties to the following:
  - 1) Larry R. and Carolyn A. Upton in the amount of \$497.59, APN 046-132-36-100;
  - 2) Mitchell and Lynda Vaughn in the amount of \$1,129.11, APN 500-144-29-100;
  - 3) Berkeley Smith in the amount of \$1,011.47 and Linda M. Smith Broussard in the amount of \$1,011.47, APN 500-143-69-100; and
  - 4) Rickey Ricardo Smith in the amount of \$175.63 and Rosa Savage in the amount of \$175.63, APN 500-122-47-100.

**This matter was Approved on the consent calendar.**

3. [12-0250](#) Chief Administrative Office recommending the Board approve and authorize the Chair to sign Agreement AGMT 12-53403 (443-1210) with Trane U.S. Inc., doing business as Trane in the amount of \$60,000 for refurbishing and providing scheduled maintenance, on-call and emergency repair services and a five year warranty for the compressor and chiller incorporated in the heating, ventilation and air conditioning system for Buildings A and B in the Government Center in Placerville.

**This matter was Approved on the consent calendar.**

4. [12-0148](#) Chief Administrative Office recommending the Board authorize the Chair to sign the First Amendment to Agreement for Services AGMT11-53342 (574-S1210) with Alpine Smith, Inc. for snow removal and snow staking services for County facilities in the Tahoe Basin extending the term by two months to April 30, 2012; increasing the compensation amount by \$24,834 for a total compensation amount of \$74,502 for the term of the Agreement; and changing the County's Contract Administrator and notices recipient to reflect the transfer of responsibility for the Agreement to the Chief Administrative Office.

**FUNDING:** General Fund.

**A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney, to approve this matter.**

**Yes:** 4 - Knight, Nutting, Sweeney and Briggs

**Abstained:** 1 - Santiago

5. [12-0263](#) Chief Administrative Office recommending the Board authorize Kim Kerr, Assistant Chief Administrative Officer to sign the Amendment to the General Liability II Program Memorandum of Understanding for the CSAC Excess Insurance Authority.

**FUNDING:** Risk Fund.

**This matter was Approved on the consent calendar.**

6. [12-0248](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
- 1) Award Request for Proposal 12-918-031 for the Promotions Program to Lake Tahoe South Shore Chamber of Commerce in the amount of \$70,000 and to American River Music, Inc. in the amount of \$36,077;
  - 2) Authorize the Chief Administrative Officer, or designee, to negotiate agreements with the above organizations; and
  - 3) Authorize the Purchasing Agent to execute said agreements for a two year term, subject to County Counsel and Risk Management review and approval.

**FUNDING:** (General Fund): Hotel and Motel Tax (HMT).

**This matter was Approved on the consent calendar.**

7. [12-0208](#) Chief Administrative Office, Procurement and Contracts Division, presenting a list of County surplus property and recommending the Board so declare and authorize disposal of same in accordance with the procedures outlined in the County's Purchasing Ordinance, Chapter 3.12 and Section 3.12.220 thereof.

**This matter was Approved on the consent calendar.**

8. [12-0203](#) Development Services Department, Building Services Division, recommending the Board consider the following applicants for appointment to the Building Appeals Board for terms to expire January 2015:
- 1) Professional Category: Reappoint Jeffrey Haberman;
  - 2) Engineer Position: Appoint Gary Gates, filling position vacated by Gene Thorne;
  - 3) Professional Category: Appoint Stephen Twist, filling position vacated by Mike Kerney; and
  - 4) Community At Large Position: Appoint Dwayne Nystrom, filling vacant position.

**This matter was Approved on the consent calendar.**

9. [12-0244](#) Environmental Management Department recommending the Board authorize Department to enter into franchise amendment negotiations with Amador Disposal Co, Inc. (a Waste Connections company) for collection and disposal of municipal solid waste generated by residential, commercial and industrial customers within the franchise area in the unincorporated southern portion of the County including Somerset, Grizzly Flats and Mt. Aukum.

**This matter was Approved on the consent calendar.**

10. [12-0193](#) Health and Human Services Agency, Social Services Division, and Probation Department recommending the Board review and authorize the Chair to sign the 2012 El Dorado County Child Welfare Services County Self-Assessment and approve for submittal as required to the California Department of Social Services.
- This matter was Approved on the consent calendar.**
11. [10-0351](#) Health and Human Services Agency, Social Services Division, recommending the Board authorize the Chair to sign perpetual, non-standard Amendment I to Agreement for Services 316-S1010, retroactive to January 1, 2012, in an amount not to exceed \$30,000 per annum, acknowledging the assignment of the Agreement from Perinatal and Pediatric Specialists Medical Group, Inc. dba Children's Specialist Medical Group of Sacramento, Inc. and Sutter Medical Center to Sutter Medical Foundation and Sutter Medical Center for the provision of forensic evidentiary exam services on an "as requested" basis for resident victims of sexual assault. (Refer 4/27/10, Item 15)
- FUNDING:** 85% Federal/State Social Services funding with required 15% County share of costs met primarily with realignment resources.
- This matter was Approved on the consent calendar.**
12. [09-0182](#) Information Technologies Department recommending the Board approve all current perpetual hardware maintenance and software license agreements as outlined on the chart dated March 1, 2012 for on-going hardware maintenance and software support for Fiscal Year 2012-2013.
- FUNDING:** General Fund.
- This matter was Approved on the consent calendar.**
13. [12-0205](#) Probation Department recommending the Board authorize the Chair to sign Amendment II to Agreement 277-S1010 with 3m Electronic Monitoring, Inc. for rental of electronic and GPS tracking equipment with 24/7 monitoring services, Amendment II will increase this Agreement by \$84,000 for an increased not to exceed total of \$144,318; the term of this agreement remains January 27, 2010 through January 26, 2013, all other parts and sections of this agreement remain unchanged and in full force and effect.
- FUNDING:** AB 109 and General Fund.
- This matter was Approved on the consent calendar.**

14. [12-0087](#) Recorder-Clerk-Registrar of Voters recommending the Board adopt **Resolution 022-1012** designating classifications and stipends for precinct board members.
- FUNDING:** Elections Operating Budget (General Fund).
- Adopted Resolution 022-2012 upon approval of the consent calendar.**
15. [12-0236](#) Recorder-Clerk-Registrar of Voters recommending the Board adopt **Resolution 023-2012** approving an Agreement for grant funds available under the Help America Vote Act Polling Place Accessibility Training Program and authorizing the Recorder-Clerk Registrar of Voters to execute the grant funding agreement, subject to approval by County Counsel.
- Adopted Resolution 023-2012 upon approval of the consent calendar.**
16. [12-0174](#) Sheriff's Office recommending the Board authorize the Chair to sign a Reimbursement Agreement between the County and the El Dorado Irrigation District to purchase waterproof day/night security cameras, motion sensors and remote video engine equipment in an amount not to exceed \$39,000.
- FUNDING:** 2010 Homeland Security Grant Funds.
- This matter was Approved on the consent calendar.**
17. [12-0196](#) Sheriff's Office recommending the Board:
- 1) Accept the grant award of \$158,893 from the Emergency Management Performance Grant (EMPG) for Fiscal Year 2011/12; and
  - 2) Adopt and authorize the Chair to sign **Resolution 024-2012** updating the titles of positions authorized to sign documents such as claims, status reports, etc. relative to this grant.
- Adopted Resolution 024-2012 upon approval of the consent calendar.**

18. [11-0606](#) Sheriff's Office recommending the Board authorize the Chair to sign retroactive amendments to the Cooperative Law Enforcement Agreement 08-LE-11051360-002 with the United States Forest Service in the total amount \$51,000 for the term of October 1, 2011 through September 30, 2012, to provide funding for Sheriff's patrol services on national forest system roads within the El Dorado County National Forest and Lake Tahoe Basin Management Unit, as well as funding for Sheriff's Office expenditures associated with the detection of locations and activities related to the illegal production and trafficking of controlled substances during Federal Fiscal Year 2011/12.

**FUNDING:** United States Forest Service.

**This matter was Approved on the consent calendar.**

19. [08-1269](#) Department of Transportation recommending the Board take the following actions related to modifications to Phase 2B of the U.S. Highway 50/El Dorado Hills Boulevard-Latrobe Road Interchange: 1) Adopt U.S. Highway 50/El Dorado Hills Boulevard-Latrobe Road Interchange Addendum No. 3 to the Environmental Impact Report to modify Phase 2B; and 2) Approve modifications to Phase 2B of the Project as described in the U.S. Highway 50/El Dorado Hills Boulevard-Latrobe Road Interchange Addendum No. 3 to the Environmental Impact Report.

**This matter was Approved on the consent calendar.**

20. [12-0140](#) Supervisor Knight recommending the Board approve a budget transfer decreasing General Fund contingency and increasing appropriations in the FY 2011-12 Civil Grand Jury budget by \$41,938 (4/5 vote required).

**FUNDING:** General Fund.

**This matter was Approved on the consent calendar.**

21. [12-0276](#) Supervisor Nutting recommending the Board approve and authorize the Chair to sign a letter of support to the Pacific Legal Foundation on behalf of the Western Mining Alliance who is seeking legal assistance on behalf of the suction dredge miners as it relates to the recently released Environmental Impact Report.

**A motion was made by Supervisor Nutting, seconded by Supervisor Sweeney, to approve this matter.**

**Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago



22. [12-0252](#) Supervisor Santiago and the Tahoe Basin Fire Chiefs recommending the Board approve and authorize the Chair to sign a letter to California State Governor, Jerry Brown, asking him to reinstate funding in the 2012-13 budget for 2 CalFire fire engines at Lake Tahoe.

This matter was Approved on the consent calendar.

## END CONSENT CALENDAR

## DEPARTMENT MATTERS

23. [08-1388](#) Department of Transportation recommending the Board:
- 1) Authorize the Chair to sign the Notice of Acceptance with Nehemiah Construction, Inc. for the US 50 HOV Lanes, Phase 1 - El Dorado Hills to Bass Lake Grade Project (CIP No. 53110) near El Dorado Hills; and
  - 2) Authorize the Clerk of the Board to release the payment and performance bonds to the surety upon notification from the Department after the one-year guarantee period. (Cont'd 2/14/2012, Item 20) (Est. Time: 5 Min.)

**FUNDING:** This Project was funded with Corridor Mobility Improvement Account Funds, Congestion Mitigation and Air Quality Program Funds, Regional Surface Transportation Program Funds, Traffic Impact Mitigation Fee Program Funds and Casino Funds. The requested Board action has no fiscal impact.

This matter was continued off calendar upon approval of the Consent Calendar.

24. [12-0266](#) Chief Administrative Office recommending the Board consider the following regarding the Fiscal Year 2011-12 budget:
- 1) Receive and file Fiscal Year 2011-12 Mid-Year report; and
  - 2) Take action on any related recommendations or discussion associated with the Mid-Year report relative to managing the County budget in the current or future fiscal year. (Est. Time: 1 Hr.)

Direct the Chief Budget Officer to establish FY 2012-13 Net County Cost targets for departments at FY 2011-12 levels (Attachment B2 (Legislative file Attachment A, page 9 of 18);

- a) This means that departments will have to absorb any increased salary and benefit costs;
- b) This will be the starting point for the FY 2012-13 Recommended Budget;
- c) The Recommended Budget document will include impacts to services based on these targets;
- d) All projections will be re-evaluated at third quarter and any significant variances will be reported back to the Board; and
- e) The Chief Administrative Officer will continue to lead the investment strategy adopted by the Board to work towards ongoing savings aimed at closing the future structural budget gap.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

**2:00 P.M. - TIME ALLOCATION**

25. [12-0224](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z10-0009/Planned Development PD10-0005/Parcel Map P10-0012/Creekside Plaza on property identified by APNs 327-211-14, 327-211-16, and 327-211-25, consisting of 4.1 acres, in the Placerville area, submitted by GRADO EQUITIES VII, LLC; and recommending the Board take the following actions:
- (1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
  - (2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporating the Mitigation Measures in the Conditions of Approval listed in Attachment 1;
  - (3) Approve Z10-0009 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD) based on the Findings listed in Attachment 1;
  - (4) Approve Planned Development PD10-0005, adopting the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
  - (5) Approve Tentative Parcel Map P10-0012 based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
  - (6) Find the project consistent with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient;
  - (7) Find the project consistent with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with a portion of the development area within the required setback;
  - (8) Acknowledge the Planning Commission Finding that the General Vacation of portions of the Forni Road Right-of-Way is consistent with the General Plan in accordance with Government Code 65402(a);
  - (9) Staff recommendation to find that a reasonable use determination can be made regarding oak tree retention and General Plan Policy 7.4.4.4; and
  - (10) Adopt Ordinance for said rezone. (Supervisory District 3) (Est. Time: 1 Hr.)

**A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to continue this matter to April 3, 2012.**

**Yes:** 5 - Knight, Nutting, Sweeney, Briggs and Santiago

26. [10-1327](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z07-0040/Tentative Map TM07-1454/Special Use Permit S09-0012/Sundance Subdivision on property identified by APNs 104-520-04, 104-520-05, and 104-520-06, consisting of 298.19 acres, in the Pilot Hill area, submitted by Christopher A. Beauchamp; and recommending the Board take the following action:
- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
  - 2) Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and mitigation measures listed in Attachment 1;
  - 3) Approve Z07-0040 rezoning APNs 104-520-04, 104-520-05, and 104-520-06 from Exclusive Agricultural (AE) to Estate Residential (RE-10) based on the Findings listed in Attachment 1;
  - 4) Conditionally approve Tentative Map TM07-1454 based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
  - 5) Approve Special Use Permit S09-0012 based on the Findings listed in Attachment 1 and based on the movement of the location of the gate as identified;
  - 6) Approve the following design waiver requests since the appropriate Findings have been made:
    - (a) Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and
    - (b) Permit a reduction in the shoulder width for proposed Road B from 10 feet to two feet as required in the Design and Improvement Standards Manual; and
  - 7) Adopt Ordinance for said rezone. (Supervisory District IV)(Cont'd 2/14/12, Item 30) (Est. Time: 15 Min.)

**A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, as follows:**

- 1) **Reject the Mitigated Negative Declaration based on the Initial Study prepared by staff;**
- 2) **Deny the Rezone Z07-0040 rezoning APNs 104-520-04, 104-520-05, and 104-520-06 from Exclusive Agricultural (AE) to Estate Residential (RE-10) based on the Findings for Denial as submitted on February 27, 2012;**
- 4) **Deny the Tentative Map TM07-1454 based on the Findings for Denial as submitted on February 27, 2012;**
- 5) **Deny the Special Use Permit S09-0012 based on the Findings for Denial as submitted on February 27, 2012; and**
- 6) **Adopt the Findings for Denial as submitted on February 27, 2012.**

**Yes:** 4 - Knight, Sweeney, Briggs and Santiago

**Noes:** 1 - Nutting

12-0006**CAO REPORTS**

The Chief Administrative Officer reported the following:

- 1) Envision Rx Prescription Program - Available to all El Dorado County residents regardless of age or income status begins March 1, 2012. (see legislative file attachment 4A); and
- 2) Sexual Harrassment Prevention Trainings are available on the computer and there will be two live trainings on March 14, 2012 in the Board Hearing Room from 10:00 a.m. to noon or 1:00 p.m. to 3:00 p.m.

12-0005**ITEMS TO/FROM SUPERVISORS**

Supervisor Nutting discussed the coordination agreement between RCRC and CSAC.

Supervisor Briggs reported that we continue to receive letters of praise and thanks for the merger of mental health and public health programs.

Supervisor Santiago reported that she attended the California State Association of Counties (CSAC) Board meeting to deliver the Board's vote to abstain, however the CSAC board did vote in favor by a very small margin; Chief Probation Officers Association and the California Sheriffs Association and endorsed Governors initiative citing: constitutional guarantees, Governor committed to working with the Counties, pension reform, guiding principles of pension reform, regulatory relief, as well as redevelopment issue; City of South Lake Tahoe has voted to dissolve their Redevelopment Agency. Requesting to have an agenda item on the Boar's agenda on March 20 or 27 to get to an understanding of the processes that we need to engage in; and She will be attending the National Association of Counties (NACo) Legislative Conference in Washington DC followed by the National Association of Workforce Boards Annual Meeting.

**CLOSED SESSION**

27. 12-0180 Pursuant to Government Code Section 54957: **Conference with Labor Negotiator**: Director of Human Resources and/or designee.  
**Employee Organizations**: El Dorado County Deputy County Counsel Association and El Dorado County Law Enforcement Managers Association. (Est. Time: 20 min.)  
**No Action Reported.**
28. 12-0269 Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Number of potential cases: (1). (Est. Time: 10 Min.)  
**No Action Reported.**
29. 12-0246 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): In Re El Dorado County Grand Jury, Case #SC20120004. (Est. Time: 10 Min.)  
**No Action Reported.**

30. 12-0271 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: *United States of America (USA) v. El Dorado County and City of South Lake Tahoe*. Civil Action No. S-01-1520 x-ref: (Meyers Landfill Site). Number of potential cases: (1). (Est. Time: 30 Min.)  
**No Action Reported.**
31. 12-0272 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Center for Sierra Nevada Conservation, et al., v. County of El Dorado, et al. - El Dorado County Superior Court Case No. PC20080336. (Est. Time: 20 Min.)  
**The Board by a unanimous vote, voted not to file the petition for review with the Supreme Court.**
32. 12-0228 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation**: Title: Chief Administrative Officer. (Est. Time: 20 Min.) (Cont'd 2/14/12, Item 38)  
**No Action Reported.**
33. 12-0270 Pursuant to Government Code Section 54957: **Public Employee Appointment**: Title: Agricultural Commissioner / Sealer of Weight & Measures. (Est. Time: 30 Min.)  
**The matter was continued to March 6, 2012.**

**ADJOURNED AT 3:01 P.M.**